



At 1/1/10

Dkt. 0687/74768-AAA/JPW/GJG/ACK

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Michael Wayne Graham et al.

Serial No. : 10/821,726

Examiner : Whiteman, Brian A.

Filed : April 8, 2004

Art Unit : 1635

For : SYNTHETIC GENES AND GENETIC CONSTRUCTS

30 Rockefeller Plaza  
20<sup>th</sup> Floor  
New York, New York 10112  
September 8, 2010

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**NOTICE OF APPEAL FROM THE EXAMINER'S DECISION  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Final Rejection mailed on March 9, 2010 finally rejecting claims 134-157 in connection with the above-identified application.

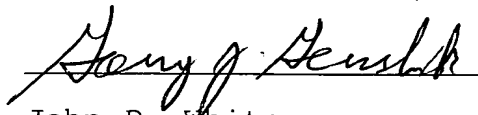
Applicants are concurrently filing a Petition For Three-Month Extension of Time. With a three-month extension of time, a response is due September 9, 2010. Accordingly, this Notice of Appeal is being timely filed.

The required fee for filing a Notice of Appeal under 37 C.F.R. §1.17(b) is FIVE HUNDRED FORTY DOLLARS (\$540.00) and a check for this amount is enclosed.

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No fee, other than the enclosed \$540.00 fee for filing a Notice of Appeal, is deemed necessary. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

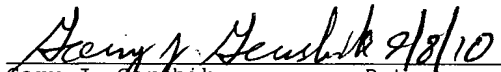
Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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